

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TARYN CONLEY,
Plaintiff

v.

BRIAN BARDON, SUFFOLK COUNTY
SHERIFF'S DEPARTMENT, SHERIFF
STEVEN TOMPKINS, YOLANDA SMITH
LISA ENOS, JANE DOE 1, JANE DOE 2,
AND JOHN DOE 1,
Defendants

No. 1:20-CV-12196-JCB

**Defendant Brian Bardon's Answer
To Plaintiff's First Amended Complaint**

The defendant Brian Bardon ("Bardon" or "Defendant") submits his answer to the Plaintiff's First Amended Complaint. The numbered paragraphs of this answer correspond to the numbered paragraphs of the Plaintiff's Amended Complaint.

Introduction

1. This paragraph is prefatory and thus requires no response.
2. Denied.
3. This paragraph is prefatory and thus requires no response.

Parties

4. Defendant has insufficient information to admit or deny the allegations in this paragraph.
5. Defendant has insufficient information to admit or deny the allegations in this paragraph.

6. Defendant admits that Steven Tompkins is the Sheriff of the Suffolk County Sheriff's Department, but has insufficient information to admit or deny the remaining allegations in this paragraph.
7. Defendant admits Yolanda Smith was the former Superintendent of the Suffolk County House of Correction and PREA Coordinator, but has insufficient information to admit or deny the remaining allegations in this paragraph.
8. Defendant admits that Lisa Enos was the PREA compliance manager, but has insufficient information to admit or deny the remaining allegations in this paragraph.
9. Defendant admits that he resides in the Commonwealth of Massachusetts, but has insufficient information to admit or deny the remaining allegations in this paragraph.
10. Defendant has insufficient information to admit or deny the allegations in this paragraph.
11. Defendant has insufficient information to admit or deny the allegations in this paragraph.
12. Defendant has insufficient information to admit or deny the allegations in this paragraph.
13. Paragraph 13 does not contain allegations of fact to which a response is required.

To the extent a response is required, Defendant states that he is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

Jurisdiction

14. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is required, Defendant states that he is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

Factual Allegations

15. Admitted.
16. To the extent that allegations in this paragraph pertain to other defendants, Defendant is without knowledge or information sufficient to admit or deny the allegations. To the extent the allegations in this paragraph pertain to the Defendant, denied.
17. Defendant has insufficient information to admit or deny the allegations in this paragraph.
18. Defendant has insufficient information to admit or deny the allegations in this paragraph.
19. Defendant has insufficient information to admit or deny the allegations in this paragraph.
20. Admitted.
21. Defendant has insufficient information to admit or deny the allegations in this paragraph.
22. Defendant has insufficient information to admit or deny the allegations in this paragraph.
23. Defendant has insufficient information to admit or deny the allegations in this paragraph.

24. Defendant has insufficient information to admit or deny the allegations in this paragraph.

25. Defendant has insufficient information to admit or deny the allegations in this paragraph.

26. Defendant has insufficient information to admit or deny the allegations in this paragraph.

27. Defendant has insufficient information to admit or deny the allegations in this paragraph.

28. Defendant has insufficient information to admit or deny the allegations in this paragraph.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Defendant has insufficient information to admit or deny the allegations in this paragraph.

41. Defendant has insufficient information to admit or deny the allegations in this paragraph.

42. Denied.

43. Denied.

44. Denied.

45. Defendant has insufficient information to admit or deny the allegations in this paragraph.

46. Defendant has insufficient information to admit or deny the allegations in this paragraph.

47. Denied.

48. Denied.

49. Denied.

50. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is required, Defendant states that he is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

Legal Claims.

Count 1- Assault and Battery

51. Defendant repeats and incorporates by reference his responses to the allegations set forth in paragraphs 1 through 50 above as if fully set forth herein.

52. Denied.

53. Denied.

Count II- Indecent Assault and Battery

54. Defendant repeats and incorporates by reference his responses to the allegations set forth in paragraphs 1 through 53 above as if fully set forth herein.

55. Denied.

56. Denied.

Count III- Kidnapping

57. Defendant repeats and incorporates by reference his responses to the allegations set forth in paragraphs 1 through 56 above as if fully set forth herein.

58. Denied.

59. Denied.

Count IV- Negligent Training/Supervision

60. Defendant repeats and incorporates by reference his responses to the allegations set forth in paragraphs 1 through 59 above as if fully set forth herein.

61. Denied.

62. Denied.

63. Denied.

Count V- Negligent Infliction of Emotional Distress

64. Defendant repeats and incorporates by reference his responses to the allegations set forth in paragraphs 1 through 63 above as if fully set forth herein.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

Count VI- Federal Civil Rights Violations- 42 U.S.C. § 1983

69. Defendant repeats and incorporates by reference his responses to the allegations set forth in paragraphs 1 through 68 above as if fully set forth herein.

70. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is required, Defendant states that he is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

71. Admitted.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

Count VII- Federal Civil Rights Violations- 42 U.S.C. § 1983

76. Defendant repeats and incorporates by reference his responses to the allegations set forth in paragraphs 1 through 75 above as if fully set forth herein.

77. The allegations in this paragraph contain conclusions of law to which no response is required. To the extent a response is required, Defendant states that he is without knowledge or information sufficient to admit or deny the allegations in this paragraph.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

Count VIII- Negligence

84. Defendant repeats and incorporates by reference his responses to the allegations set forth in paragraphs 1 through 83 above as if fully set forth herein.

85. Defendant has insufficient information to admit or deny the allegations in this paragraph.

86. Defendant has insufficient information to admit or deny the allegations in this paragraph.

87. Defendant denies any allegation of misconduct contained in this paragraph and has insufficient information to admit or deny the remaining allegations.

88. Defendant denies any allegation of misconduct contained in this paragraph and has insufficient information to admit or deny the remaining allegations.

89. Denied.

AFFIRMATIVE DEFENSES

1. Plaintiff's First Amended Complaint, in whole or in part, fails to state a claim upon which relief can be granted.
2. Defendant is not the direct or proximate cause of Plaintiff's alleged injuries.
3. If the injuries and damages were sustained by the Plaintiff at the time and place and in the manner alleged in the First Amended Complaint, such injuries and damages were caused by, were attributable to, in whole or in part, or were contributed to by the culpable conduct and want of care of the Plaintiff or on the part of the Plaintiff.

4. Plaintiff is responsible for contributory negligence and the damages recovered, if any, must be reduced in proportion to Plaintiff's negligence under M.G.L. c. 231, §85.
5. If the Plaintiff is found to have suffered injuries or damages, they were caused by a third party for whose conduct the Defendant was not legally responsible.
6. Plaintiff's claims are barred, in whole or in part, because any injuries or damages allegedly sustained by Plaintiff were pre-existing in nature.
7. Plaintiff's claims are barred, in whole or in part, by the doctrine of consent.
8. Plaintiff's claims are barred, in whole or in part, by the doctrine of setoff.
9. Plaintiff's claims are barred by the doctrine of unclean hands.
10. Plaintiff's claims are barred by the doctrine of estoppel.
11. Defendant avails himself of, and adopts such other defenses raised by any other defendants as may be applicable.
12. Defendant hereby gives notice that he intends to rely upon such other and further defenses as may become available through discovery or otherwise and reserves his rights to assert and rely upon such further defenses.

JURY DEMAND

The defendant hereby demands a trial by jury on all claims.

Respectfully submitted,

BRIAN BARDEN,

By his attorney,

/s/ Liam Scully

Liam D. Scully, BBO # 639234
Scully & Lagos

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Dated: February 4, 2022

Certificate of Service

I hereby certify that a copy of this document was filed electronically and served on all parties as indicated in the Court's NEF. /s/ *Liam Scully* Dated, February 4, 2022.